

REMARKS

On May 2, 2005, Applicants submitted a Declaration Under 37 C.F.R. § 1.131 to overcome the Nakagawa reference (United States Patent No. 6,106,899). In the final Office Action dated July 22, 2005, the Examiner found the declaration ineffective to overcome Nakagawa because it did not "establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Nakagawa reference."

In a brief telephonic interview on August 23, 2005, the undersigned attorney for Applicants explained to the Examiner that the work described in the Declaration submitted on May 2, 2005 was completed in the United States. The Examiner agreed to consider withdrawing the rejections based on Nakagawa if the Applicants submitted a revised Declaration.

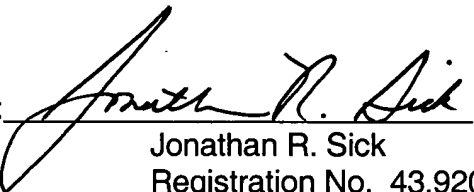
Accordingly, Applicants have enclosed with this Response a revised Declaration Under 37 C.F.R. § 1.131 which affirmatively states that "[a]ll of the work described above in paragraphs 2-11 (which is documented in the laboratory notebook pages attached to this declaration) was performed and completed in the United States of America." (Paragraph 13). Applicants respectfully request reconsideration in view of the revised Declaration. Specifically, Applicants request that at least pending claims 4-11, which were only rejected in view of combinations of references including Nakagawa, be found allowable if re-written in independent form.

Applicants continue to believe that the remaining claims 1-3, 12 and 21 are allowable for the reasons explained in the May 2, 2005 Response, and expressly reserve the right to pursue these claims in a continuation application.

If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the undersigned at the number listed below. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Dated: October 5, 2005

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